

### **REMARKS**

Claims 1-58 are now pending in the application. Applicants would like to thank the Examiner for the courtesy extended during the personal interview conducted on March 23, 2006. During the interview, Applicants' representative and the Examiner discussed Applicants' proposed amendment to claim 1. The Examiner agreed that the proposed amendment overcomes the cited art. These amendments are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **CLAIM OBJECTIONS**

The claims stand objected to for certain informalities. Applicants have amended the claims according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested. These amendments are not narrowing amendments.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-58 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

With respect to claim 2, the Examiner notes that the claim requires that an instruction is shifted from one non-bypassable location to another non-bypassable location. Applicants amended the claim to clarify that the instruction is shifted to a bypassable location. Applicants respectfully submit that claim 2 is definite.

With respect to claim 8, the Examiner states that “retired instructions would not be in the reorder buffer.” Applicants respectfully note that Paragraph [0030] of the specification states “when a result is ‘retired,’ the result is a valid result for an executed instruction that is ready for storage, is being stored, or is stored in a register file.” In other words, a retired instruction includes instructions that “are ready for storage” yet are still located in the reorder buffer. Applicants respectfully submit that claim 8 is definite.

With respect to claim 17, the Examiner notes that there is no antecedent basis for “the plurality of functions units.” Applicants amended claim 17 to recite “the plurality of execution units.” Applicants respectfully submit that claim 17 is definite.

These amendments are not narrowing amendments.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 6-11, 14-20, 22, 23, 25-30, 32, 33, 35-40, 42, 46-50, 52 and 56-58 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hennessy. This rejection is respectfully traversed.

With respect to claim 1, Hennessy fails to show, teach, or suggest a reorder buffer including N buffer locations of which M buffer locations are bypassable and N-M buffer locations are non-bypassable, wherein N and M are integers and  $N > M > 0$ .

For anticipation to be present under 35 U.S.C. §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Hennessy fails to disclose the limitation that  $N > M > 0$ .

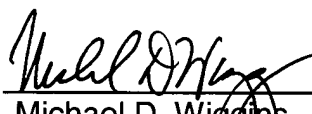
An exemplary embodiment shown in Applicants' FIG. 1 illustrates a partial bypass reorder buffer (ROB) 110 that includes N – M non-bypassable locations 113 and M bypassable locations 114. As a result, "only a subset of the locations in the ROB are used to provide a data bypass." (Paragraph [028]). In contrast, Hennessy discloses that all of the locations of a buffer are non-bypassable. In other words, Hennessy discloses that  $M = 0$ . Applicants respectfully submit that claim 1 is allowable for at least the above reasons. The remaining claims are allowable for at least similar reasons.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 3, 2006

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